

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

October 1, 2022

VIA ECF

The Honorable Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Thomas Barrack, et al., 1:21-cr-371 (BMC) (S-1)

Dear Judge Cogan:

Today, the Government informed the defense that it had “finalized the decision to call Secretary Tillerson as a witness.” The Government also informed the defense that, due to personal plans, the Secretary is not available after October 4, 2022, and therefore the Government requested the defendants’ consent to call him out of order on the morning of Tuesday, October 4, 2022, interrupting the defendants’ anticipated crosses of the current witness.

Even on this inexplicably short notice, the defense has no objection to taking Secretary Tillerson out of order. For two reasons, however, we respectfully request that the Government be ordered to produce the witness to begin on Monday morning, October 3, 2022, instead of Tuesday. First, given that this is the Government’s own scheduling issue, it seems more appropriate for the Government to interrupt its own direct rather than the defendants’ cross. Second, and more importantly, Tuesday is a shortened day, given the holiday. For the convenience of the witness, and to assure the defendants a fair opportunity at cross-examination, we respectfully submit it seems prudent to begin the examination before the shortened day. We appreciate the Court’s consideration.

Respectfully Submitted,

WILLKIE FARR & GALLAGHER LLP

/s/ Michael S. Schachter

Michael S. Schachter
Randall W. Jackson
Casey E. Donnelly
Steven J. Ballew
Jordan D. Reisch

O'MELVENY & MYERS LLP

James A. Bowman

*Counsel for Defendant
Thomas J. Barrack, Jr.*

Cc (via ECF): Hiral D. Mehta
Nathan Daniel Reilly
Ryan C. Harris
Samuel P. Nitze
Craig R. Heeren
Matthew John McKenzie